

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

-----X
JACLYN M. BURCH and MARK E. BURCH,

Plaintiffs,

CIVIL ACTION NO.:

v.

NOTICE OF REMOVAL

USA TRUCK, INC., FRANK C. CANAFINO, JOHN
DOE, ABC, Inc., fictitious names,

Defendants.

-----X

TO: Charles M. Crocco, Esq.
Nelson, Fromer, Crocco & Jordan
2300 Route 66, Suite 102
Neptune, NJ 07753

PLEASE TAKE NOTICE, that on this date, defendants USA TRUCK and FRANK CANAFINO by their undersigned counsel, have filed this Notice of Removal pursuant to 28 U.S.C. §1446(a), in the office of the Clerk of the United States District Court for the District of New Jersey.

1. Plaintiffs JACLYN M. BURCH and MARK E. BURCH brought a lawsuit against the defendants USA TRUCK and FRANK CANAFINO (and fictitious named defendants) by filing a Complaint and Jury Demand in the Superior Court of the State of New Jersey, Law Division, Monmouth County on or about August 7, 2017 as a result of an alleged accident which occurred on or about January 26, 2017. A copy of the Complaint is annexed hereto as Ex A.

2. The Summons and Complaint were not received by USA TRUCK and FRANK CANAFINO to date.

3. There have been no other proceedings in this action.

4. According to the plaintiff's complaint (Ex. A), the plaintiffs purport to be citizens and residents of the State of New Jersey.

5. Defendant USA TRUCK, Inc. is a corporation incorporated in the State of Arkansas.

6. Defendant FRANK CANAFINO is a resident of the State of Connecticut, residing in West Haven, Connecticut.

7. In the First Count, paragraph 7 of the plaintiffs' Complaint, plaintiff Jaclyn Burch

has been caused to sustain severe physiological and psychological injuries, which have continued to the present, and which will in the future continue, with concomitant pain and suffering and shock to her nervous system, which have caused the plaintiff great pain and suffering. The plaintiff has been caused to incur, with the possibility of future surgery, and past, present and future loss of income (Ex. A).

8. On September 20, 2017, our office served a request for a written Statement of Damages claimed on the plaintiff's counsel. Ex. B.

9. The plaintiffs have not responded to the Demand for Statement of Damages.

10. Based upon the language set forth in the plaintiffs' Complaint, the matter in controversy exceeds \$75,000, exclusive of interest and costs. *Please see* Ex. A.

11. Jurisdiction over the subject matter of this action is conferred on this Court by 28 U.S.C. §1441(a).

12. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 in that the parties are of complete diversity of citizenship, the amount in controversy exceeds \$75,000 exclusive of interest and costs.

13. As the defendants have not been served with the suit papers, this Notice is filed with this Court within 30 days of defendants' receipt "through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," as provided by 28 USC §1446(b).

PLEASE TAKE FURTHER NOTICE, that the defendants, upon filing the Notice of Removal in the office of the Clerk of the United States District Court for the District of New Jersey, have also filed copies of the Notice with the Clerk of the Superior Court of New Jersey, Law Division, Monmouth County Courthouse, 71 Monument St, Freehold, NJ 07728, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. §1446(b).

Dated: October 26, 2017

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants
USA TRUCK and FRANK CANAFINO
124 First Avenue
Atlantic Highlands, New Jersey 07716

BY:  _____
LORNE M. REITER, ESQ.